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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/678,902	10/04/2000	David M. Modest	6208-9	7225
27383	7590	01/26/2006	EXAMINER	
CLIFFORD CHANCE US LLP 31 WEST 52ND STREET NEW YORK, NY 10019-6131			VIG, NARESH	
			ART UNIT	PAPER NUMBER
			3629	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/678,902

Applicant(s)

MODEST, DAVID M.

Examiner

Naresh Vig

Art Unit

3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,8-21 and 25-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,8-21 and 25-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This is in reference to response received on 31 October 2005 to the office action mailed on 26 April 2005. There are 28 claims, claims 1 – 4, 8 – 21 and 25 – 34 pending for examination.

Response to Arguments

Applicant's arguments with respect to claims 1 – 4, 8 – 21 and 25 – 34 have been considered but are moot in view of the new ground(s) of rejection. Applicant's arguments and concerns are responded to in the rewritten response to pending claims using new reference(s) cited in this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 4, 8 – 21 and 25 – 34 rejected under 35 U.S.C. 103(a) as being unpatentable over an article "Secrets of Using the Map of the Market" hereinafter known as Wattenberg in view of Marshall US Patent 5,774,878.

Regarding claims 1 and 18, Wattenberg teaches system and method for displaying the status of a financial indicator, said financial indicator representing financial activity, said financial indicator including a plurality of sectors and each of said sectors including a plurality of financial instruments. Wattenberg does not teach using a geographic orientation in a particular geographic region. However, Marshall teaches using a geographic orientation in a particular geographic region [Marshall, Fig. 3a – 3d and disclosure associated with the figures]

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Wattenberg as taught by Marshall to allow money managers and financial analysts to easily view otherwise unmanageable amounts of complex information and in particular, financial information about financial markets such as information about equities, commodities, currencies, derivatives and their related markets.

Wattenberg in view of Marshall teaches capability for:
displaying a map, said map including said geographic region; and
simultaneously displaying on said geographic region of said map a visual indicator that represents the status of said financial indicator, each of said sectors and each of said financial instruments, wherein each of said plurality of sectors has a

Art Unit: 3629

size and weighting in the financial indicator, wherein said size of said plurality of sectors is proportional to said weighting of each of said plurality of sectors, respectively.

Regarding claims 2 and 19, Wattenberg in view of Marshall teaches status of said financial indicator includes a percentage change in the value of said financial indicator at a point in time [Wattenberg, Marshall, abstract, claim 18].

Regarding claims 3 and 20, Wattenberg in view of Marshall teaches status of said financial indicator is continuously updated [Marshall, abstract, claim 18].

Regarding claims 4 and 21, Wattenberg in view of Marshall teaches financial indicator is an index [Wattenburg].

Regarding claims 8 and 25, Wattenberg in view of Marshall teaches visual indicator is a first color if said percentage change in the value of said financial indicator is in a first direction and said visual indicator is a second color if said percentage change in the value of said financial indicator is in a second direction [Wattenberg uses plurality of colors with plurality of intensity with the color].

Regarding claims 9 and 26, Wattenberg in view of Marshall teaches first direction is positive and said second direction is negative [Wattenberg, for example user red and green colors within same sector].

Regarding claims 10 and 27, Wattenberg in view of Marshall teaches visual indicator is a third color if the value of said financial indicator is unchanged [Wattenberg, for example black].

Regarding claims 11 and 28, Wattenberg in view of Marshall teaches first color has a plurality of shades wherein each of said plurality of shades of said first color is associated with a particular percentage change in the value of said financial indicator in said first direction and said second color has a plurality of shades wherein each of said plurality of shades of said second color is associated with a particular percentage change in the value of said financial indicator in said second direction [Wattenberg, for example uses plurality of colors with plurality of shades within the color used for different sectors on the map]

displaying one of said plurality of shades of said first color associated with said percentage change of said financial indicator on said geographic region if said percentage change in the value of said financial indicator is in said first direction [Wattenberg]; and

displaying one of said plurality of shades of said second color associated with said percentage change of said financial indicator on said geographic region if said percentage change in the value of said financial indicator is in said second direction [Wattenberg].

Regarding claims 12 and 29, Wattenberg in view of Marshall teaches map includes a second geographic region and a second financial indicator representing financial activity in said second geographic region, said second financial indicator including a plurality of sectors that each include a plurality of financial instruments that comprise said second financial indicator [Marshall, Fig. 3a – 3d and disclosure associated with the figures].

displaying on said second geographic region a visual indicator that represents the relative status of said second financial indicator to said financial indicator, said plurality of sectors included in said financial indicator to said plurality of sectors included in said second financial indicator and said plurality of financial instruments included in said plurality of sectors included in said financial indicator to said plurality of financial instruments included in said plurality of sectors included in said second financial instrument, wherein each of said plurality of sectors included in said second financial indicator has a size and a weighting in said second financial indicator, wherein said size of each of said plurality or sectors included in said financial indicator is proportional to said weighting in said second financial indicator, respectively [Marshall Fig. 3a – 3d and disclosure with the figures).

Regarding claims 13 and 30, Wattenberg in view of Marshall teaches capability wherein said geographic region on said map and said second geographic region on said map each have a size and said financial indicator and said second financial indicator each have a market capitalization, wherein said size of said geographic region and said

Art Unit: 3629

size of said second geographic region is proportional to said market capitalization of said financial indicator and said second financial indicator, respectively.

Regarding claims 14 and 31, Wattenberg in view of Marshall teaches displaying economic data relating to said geographic region [Marshall, Fig. 3a – 3d and disclosure associated with the figures).

Regarding claims 15 and 32, Wattenberg in view of Marshall teaches visual indicator is a number (Wattenberg).

Regarding claims 16 and 33, Wattenberg in view of Marshall teaches visual indicator is a number (Wattenberg).

Regarding claims 17 and 34, Wattenberg in view of Marshall teaches visual indicator is a number (Wattenberg).

Conclusion

Applicant is required under 37 CFR '1.111 (c) to consider the references fully when responding to this office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naresh Vig whose telephone number is (571) 272-6810. The examiner can normally be reached on M-F 7:30 - 6:00 (Wednesday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Naresh Vig
Examiner
Art Unit 3629

January 21, 2006